IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 2055 of 2003(T)

PETITIONER:

SRI.K.SISUPALAN, S/O.KOCHUKRISHNAN
KRISHNAVILASAM, MELVATTOOR P.O.,
VETTOOR VILLAGE, VARKALA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS:

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1. **DEPUTY DIRECTOR OF EDUCATION,**
   THIRUVANANTHAPURAM.

2. **ASSISTANT EDUCATIONAL OFFICER, VARKALA.**

3. **STATE OF KERALA, REPRESENTED BY**
   EDUCATION SECRETARY SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.M.P.PRAKASH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P. NO. 2055 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

> "(i) To issue a writ of certiorari or other appropriate writ, order or direction to call for the records relating to the case and to quash Exhibit P1.
>
> (ii) To issue a writ of mandamus or other appropriate writ order or direction compelling the respondents to disburse minimum pension to the petitioner on the basis of the period of service as a P.D.Teacher from 4.6.1963 to 8.11.1976 in Habeeb Haji Thangal Muslim Upper Primary School evidenced by Exhibit P2.
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> (iii) To issue appropriate direction to the 1st respondent to consider and dispose Exhibit P3 in accordance with the provisions of law."

2. The learned Government Pleader submits that the Government has not received Ext.P3. Apparently, the same is received by the 1st respondent, since Ext.P3 is submitted before the 1st respondent. It is the contention of the petitioner that he is entitled to the benefit of ex gratia pension in any case as per Ext.P4 Government Order. This is a matter to be considered by the Government.

The writ petition is hence disposed of directing the 3rd respondent to look into Ext.P3, with notice to the petitioner, and pass appropriate orders thereon in accordance with law and also in the light of Ext.P4, within a period of four months from the date of receipt of a copy of this judgment. The 1st respondent will forward Ext.P3 immediately to the Government.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.2055/03

JUDGMENT

11th DECEMBER, 2006